The Correctional Investigator Canada

2010-2011

Report on Plans and Priorities

The Honourable Vic Toews, P.C., Q.C., M.P.
Minister of Public Safety

Table of Contents

❖ **MESSAGE FROM THE CORRECTIONAL INVESTIGATOR.....5**

Section I: Agency Overview..... 7

Section II: Analysis of Program Activities by Strategic Outcome(s) 12

Section III: Supplementary Information..... 15

❖ Message from the Correctional Investigator

As Canada's Ombudsman for federal offenders offering independent oversight of federal corrections, my Office contributes to public safety and the promotion of human rights by providing impartial and timely review of offender complaints.

As it relates to the assignment of resources, priorities, and work have been organized to first and foremost respond to individual offender complaints at the institutional level. This being said, systemic investigations hold great promise for pointing the way to substantial improvements. We need to move in a direction that would help us find a better way of balancing/addressing the systemic nature of complaints to our Office while still providing redress for individual offender complaints. In so doing, we think we can better serve offenders and Canadians.

This plan embodies this adjustment and provides the structure for this important role, which was informed in part by an ongoing strategic planning exercise lead by the organization's Executive Director. This exercise includes the review or update of current investigative policies and practices, the reassessment of priorities and the review of appropriate performance measures in order to provide Canadians with accountable results stemming from our main program activity. This self-assessment has confirmed that our current focus on investigations and resolution of individual offender complaints, although substantially contributing towards our legislative mandate, does not effectively address long-standing systemic issues or areas of concern. It is my belief that at the core of many individual complaints there is usually a more general or systemic issue relating to the interpretation or application of correctional law or policy. Addressing individual complaints in a systematic manner is a more effective way of dealing with non-compliance issues.

A preparatory step was taken to position the investigative process to facilitate responding more directly to systemic issues. With the creation of the Manager of Investigations positions mandated to, among other things, identify the need for and lead systemic reviews and investigations, raise awareness and bring resolution to these matters, senior staff will assess systemic issues in a more proactive manner. This involvement will further ensure appropriate project management and investigative practices are adhered to in major areas of concern.

Last year, the major area of concern most frequently identified by the offender population was health care. Notably, this area of concern was also identified most frequently by Aboriginal and women offenders. While general health and access to primary health care generated many calls for service to my Office, we know that mental health care services are severely compromised. There are gaps in terms of capacity, quality, standards and responsiveness of care. Over the life of this Plan, this issue will be managed as an operational priority with a view to responding to concerns around mental health care delivery in federal institutions.

Investigative staff will also be directed to monitor and respond to key systemic areas of concern relating to: (1) segregation and conditions of confinement; (2) mental health (3) preventable deaths in custody, (4) Aboriginal offender issues, and (5) program access. All of these areas of focus will be monitored to ascertain not only their impact on the general offender population, but for their specific impact on female inmates as well. Along with responding to individual offender complaints, these systemic issues will drive the activities of this Office over the next three years. It is important to note that we have made some progress in addressing the systemic origins of individual complaints through our ongoing focus on the provision of services and supports for mentally disordered offenders, our review of the Service's progress in preventing deaths in custody and an ongoing series of planned interventions in the areas of Aboriginal corrections for example. By setting new priorities in other areas of focus - e.g. preventable deaths in custody - we intend to sharpen our oversight of federal corrections while not losing sight of the fact that our primary mandate is to independently investigate and resolve complaints of offenders brought to our attention.

Finally, as highlighted in my last Report on Plans and Priorities, one of the main challenges facing the Office is the insufficient number of human and operational resources to conduct timely investigations of individual offender complaints, review and investigate systemic issues and provide effective and timely corporate services and ensuring the delivery of our important mandate every year. I am committed to working collaboratively with Public Safety Canada and the Central Agencies of Government to ensure that our program integrity business case for incremental permanent funding receives support for implementation in year one of this Plan.

Howard Sapers
Correctional Investigator

Section I: Agency Overview

❖ Raison d'être and Responsibilities

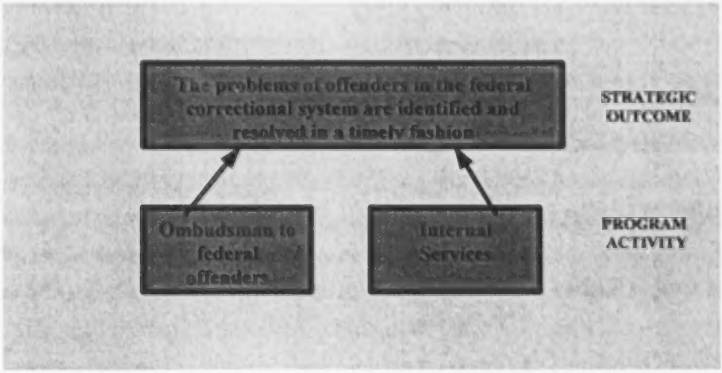
The Office of the Correctional Investigator provides Canadians with timely, independent, thorough and objective investigations into problems of offenders to ensure a safe, secure, fair, equitable, humane, reasonable and effective correctional environment.

❖ Strategic Outcome(s) and Program Activity Architecture (PAA)

The Office of the Correctional Investigator's strategic outcome, "The problems of offenders in the federal correctional system are identified and addressed in a timely and reasonable fashion" is consistent with the organization's legislative mandate as defined in section 167 of the *Corrections and Conditional Release Act*.

The Office's main program activity, "Ombudsman to federal offenders" contributes to the effective administration of Justice by conducting investigations into the problems of offenders related to decisions, recommendations, acts or omissions of the Commissioner of Corrections or any person under the control and management of, or performing service for or on behalf of the Commissioner of Corrections that affects offenders either individually or as a group, as detailed in Section 167 of the *Corrections and Conditional Release Act*.

Section 19 of the *Corrections and Conditional Release Act* requires that the Office reviews all investigations performed by the Correctional Service of Canada following the death of or serious bodily injury to an inmate. The Office is also committed to a similar review function with respect to Use of Force interventions, in keeping with the recommendations of the *Arbour Commission of Inquiry*. Its other program activity: "Internal services" supports the delivery of the Office's Ombudsman role to federal offenders as well as its corporate obligations to the Central Agencies of Government.


The problems of offenders in the federal correctional system are identified and resolved in a timely fashion
STRATEGIC OUTCOME
Ombudsman to federal offenders
Internal Services
PROGRAM ACTIVITY

❖ Planning Summary

Financial Resources (thousands)

2010-11	2011-12	2012-13
$3,569	$3,574	$3,730

Human Resources (Full-time Equivalent – FTE)

2010-11	2011-12	2012-13
28	29	29

The Office of the Correctional Investigator developed a program integrity business case which highlights historical funding pressures and workload issues related to the delivery of its mandate. Should the organization be successful in securing incremental permanent funding from the fiscal framework or from within the Public Safety Portfolio, the financial resources identified above could be increased by 500K in 2010-11, 750K in 2011-12 and 999.5K in 2012-13 and ongoing. The FTEs could also increase commensurately throughout the life of the Plan.

Strategic Outcome 1: The problems of offenders in the federal correctional system are identified and resolved in a timely fashion.	
Performance Indicators	**Targets**
Following prioritization, percentage of offender complaints addressed and responded to accordingly in a timely fashion.	100%
Percentage of responses to individual offender complaints by category.	100%
Percentage of responses and recommendations on key systemic areas of offender concern identified and subject to OCI recommendations.	100%

Program Activity [1] http://www.tbs-sct.gc.ca/dpr-rmr/2008-2009/inst/oci/oci02-eng.asp	**Forecast Spending 2009–10**	**Planned Spending**			**Alignment to Government of Canada Outcomes**
		2010–11	**2011–12**	**2012–13**	
Ombudsman to federal offenders	$2,596	$3,020	$3,038	$3,170	Safe and Secure Communities
Internal Services	$918	$549	$536	$560	
Total Planned Spending		$3,569	$3,574	$3,730	

1. For program activity descriptions, please access the Main Estimates online at: http://www.tbs-sct.gc.ca/dpr-rmr/2008-2009/inst/oci/oci02-eng.asp

Contribution of Priorities to Strategic Outcome(s)

Operational Priorities	Type	Links to Strategic Outcome(s)	Description
1. Investigate and resolve individual offender issues	Ongoing	All three operational priorities contribute towards the attainment of the organization's strategic outcome: The problems of offenders in the federal correctional system are identified and addressed in a timely and reasonable fashion.	Primary role of the organization is to investigate individual offender complaints through institutional visits, interview offenders, offender groups and Correctional Service staff. Although increased resources will be directed to complete systemic reviews and investigations, individual complaints will continue to be prioritized, addressed and responded to accordingly.
2. Monitor, evaluate and provide representations on the Service's management of mandated issues (s. 19 investigations and use of force incidents)	Ongoing		Required as per *Corrections and Conditional Release Act*; Review of Service's Section 19 investigations and reports; make representations and/or recommendations to Service's officials at the appropriate level; and monitor and evaluate response. Review and assess Use of Force incidents in keeping with the recommendations of the *Arbour Commission of Inquiry*.
3. Investigate, resolve and provide leadership on specifically identified systemic issues of offender concern (e.g., Mental health issues; Aboriginal offender issues; preventable deaths in custody; program access; and, segregation and conditions of	Ongoing		Conduct reviews and investigations in these areas; Assume a national leadership role on key issues affecting these areas of responsibility; increased outreach efforts towards vulnerable groups including those suffering from mental health issues. Review and make recommendations on the Correctional Service of Canada's policies and procedures. Use comparative analysis of Service's statistics; institutional performance in areas of concern; oversight and evaluation through follow-up and impact analysis of Service's response.

confinement)			The organization will focus its efforts and resources in these systemic areas of concern.

Management Priorities	Type	Links to Strategic Outcome(s)	Description
Information Management	Ongoing	This management priority is linked to the organization's strategic outcome: "The problems of offenders in the federal correctional system are identified and addressed in a timely and reasonable fashion" as the effective management of information is closely linked to the organization's ability to respond to offender concerns.	To address the information management gaps identified by an external consultant. This will be done by: - updating a records management program; - integrating the management of electronic records; - improving the file classification system; - ensuring effective management of e-mails; and - providing appropriate IM training and ongoing support to all staff. Over the life of this Plan, the organization will update the necessary systems and procedures to ensure that information is effectively and rigorously managed.

❖ Risk Analysis

Maintaining an independent and objective review process within a correctional environment where the Office has virtually no control over either the number of complaints or the extent of the required investigations presents a number of unique challenges:

- The organization's mandate is national in scope and offers, by the sheer number and complexity of issues, an endless supply of difficulties, opportunities and shifting priorities. The client base and network of stakeholders are dispersed in a large number of often geographically remote locations throughout Canada.

- The resolution of disputes in an environment traditionally closed to public scrutiny with an understandably high level of mistrust between correctional officials and offenders, requires that the Office not only be, but be seen to be

independent of both the Correctional Service, the Department of Public Safety and the Minister.

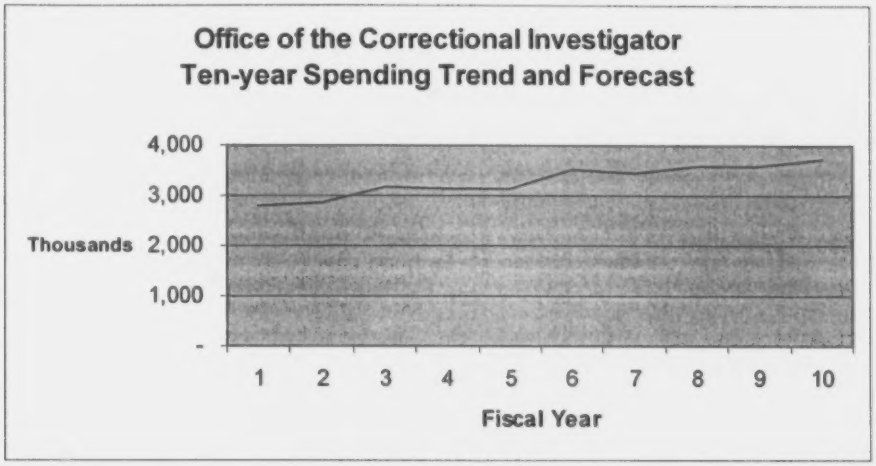
- Given that the authority of the Office rests with its power of persuasion and quality of reporting rather than enforceable recommendations, it is imperative that appropriate administrative and public mechanisms be available to ensure that reasonable, fair, timely, thorough and humane action is taken on the findings made by the Office.

- Many legislative proposals have the potential to increase the inmate population and create additional pressures to the organization's capacity to meet its legislative mandate.

The Office of the Correctional Investigator is a micro agency with only one program. Its current resources are dedicated to meeting an acceptable level of service to its clients. While the Office has realized some efficiency measures over the past few years, these have not yielded sufficient flexibility to meet the ongoing requirement. The organization has had difficulty in fully meeting its mandate because it does not have adequate operational resources to conduct timely investigations of individual offender complaints, to review and make recommendations on the Correctional Service Canada's policies and procedures associated with the areas of individual complaints, to follow-up on the implementation of recommendations, to ensure that systemic areas of complaint are identified and to review all Section 19 investigations performed by the Correctional Service Canada following the death of or serious injury to an inmate. The Office of the Correctional Investigator does not have discretionary funds to reallocate in order to address this shortfall.

The Office does not foresee a decline in either the overall demand for services or in the complexity of the issues it is called upon to address. The environment in which it operates continues to be extremely challenging. Moving forward requires not only innovative and dedicated services, but also sound risk management, knowledge-driven decision-making, rigorous stewardship, clear accountabilities and responsible spending.

❖ Expenditure Profile



As demonstrated in the chart above, the organization's spending from year 1 (2003-04) to year 5 (2007-08) was consistent and averaged just over 3.0 million dollars annually. In year 6 (2008-09), as a result of significant temporary funding received from the Management Reserve, the Office's spending increased to 3.5 million. Temporary funding from the Management Reserve in 2009-10 (year 7) will also contribute towards the forecasted expenditure established at 3.5 million. In the final years of this Plan (years 8, 9 and 10), a modest increase in spending is projected as a result of new funding stemming from several legislative initiatives.

❖ Voted and Statutory Items

(Thousands)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2009–10 Main Estimates	2010–11 Main Estimates
45	Program expenditures	$2,822	$3,137
(S)	Contributions to employee benefit plans	$355	$432
	TOTAL	$3,176	$3,569

Section II: Analysis of Program Activities by Strategic Outcome

❖ Strategic Outcome

The problems of offenders in the federal correctional system are identified and addressed in a timely and reasonable fashion. The organization's strategic outcome is supported by two program activities: Ombudsman to federal offenders and Internal Services.

❖ Program Activity by Strategic Outcome

Program Activity 1: Ombudsman to federal offenders					
Human Resources (FTEs) and Planned Spending (Thousands)					
2010–11		**2011–12**		**2012–13**	
FTEs	**Planned Spending**	**FTEs**	**Planned Spending**	**FTEs**	**Planned Spending**
24	$2,838	25	$2,843	25	$2,999

These planned spending amounts and FTEs could increase should the organization be successful in securing permanent incremental funding from the fiscal framework or from within the Public Safety Portfolio.

Program Activity Expected Results	**Performance Indicators**	**Targets**
To provide accessible and timely Ombudsman services to federal offenders	Percentage of completed institutional visits.	100% completion rate as per OCI policy
	Percentage of timely responses to individual offender complaints by category as per OCI priority.	100% completion rate as per OCI policy
	Percentage of key systemic areas of offender concern reported.	100% completion rate as per OCI policy
	Number of Section 19 cases	100% completion rate

	reviewed Number of Use of Force cases reviewed	100% completion rate

Program Activity 2: Internal Services					
Human Resources (FTEs) and Planned Spending (Thousands)					
2010–11		**2011–12**		**2012–13**	
FTEs	**Planned Spending**	**FTEs**	**Planned Spending**	**FTEs**	**Planned Spending**
4	$731	4	$731	4	$731

FTEs include 25% of Correctional Investigator and Executive Director positions.

Program Activity Expected Results	**Performance Indicators**	**Targets**
Not applicable at this time	Not applicable at this time	Not applicable at this time

❖ Planning Highlights

The assumptions found in this Report on Plans and Priorities stem from an ongoing strategic planning exercise in which a review of investigative procedures and practices are being completed with a view to confirming the organization's alignment with its mandate. From this exercise, systemic areas of concern such as mental health, preventable deaths in custody, program access, segregation and conditions of confinement were identified as investigative priorities and a focal point for the organization. In addition, the Office will continue its work as it relates to Aboriginal and Female offender issues.

❖ Benefits for Canadians

The Office of the Correctional Investigator provides Canadians with timely, independent, thorough and objective investigations into problems of offenders to ensure a safe, secure, fair, equitable, humane, reasonable and effective correctional environment. By the very nature of the organization's mandate, Canadians benefit when an offender's human rights are upheld and correctional programs contribute towards his/her timely and effective reintegration into society. The Office and the work performed by staff contribute toward this positive outcome.

Section III: Supplementary Information

❖ Other Items of Interest

The Office of the Correctional Investigator Website: http://www.oci-bec.gc.ca

E-Mail: org@oci-bec.gc.ca

Enabling legislation: *Corrections and Conditional Release Act* S.C. 1992 Part 3 found at http://www.justice.gc.ca

Reports and Discussion Papers found at the Office of the Correctional Investigator's website (http://www.oci-bec.gc.ca):

- Correctional Investigator's Annual Reports
- Previous Departmental Performance Reports and Reports on Plans and Priorities
- Financial Statements
- Good Intentions, Disappointing Results: A Progress Report on Federal Aboriginal Corrections October 11, 2009
- A Prevenatble Death June 20, 2008